

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by Todd Vargo, Planner I

SUBJECT: Resolution for an Agreement between the Town of Davie and Carlos Angulo, property owner.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT BETWEEN CARLOS ANGULO AND THE TOWN OF DAVIE AND AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE TO SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

REPORT IN BRIEF: The applicant is requesting a Certificate of Occupancy from the Town of Davie Building Department for a property that is part of a 2.51 acre parcel currently within the platting process. A Building Permit was issued for the applicant's property, and a dwelling unit was constructed. Subsequent to the issuance of a Certificate of Occupancy, an application to plat the entire 2.51 acre parcel was received by staff. The agreement states that the Town of Davie shall issue a Certificate of Occupancy prior the completion of the platting process if: 1) the property owner shall pose no objection to the platting of the entire 2.51 acre parcel (his property included), 2) the entire 2.51 acre parcel shall be platted for no more than a maximum of two (2) dwelling units (including the property owner's dwelling), 3) the property owner shall dedicate twenty (20) feet of right of way along the Property's northern boundary and twenty five (25) feet along the western boundary, and 4) since the dedication of right of way will render the property non-conforming as to the front setback and minimum lot size and the Town of Davie will administer, at no cost, a legal non-conforming status for the property

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the agreement complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Resolution, Agreement of Parcel Owner and Town of Davie, Future Land Use Map, Zoning and Aerial Map

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND CARLOS ANGULO; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owned by Carlos Angulo is located within the Town of Davie and has a Land Use of Residential 1 Dwelling Unit/Acre and a Zoning category of A-1, Agricultural District.

WHEREAS, the property owner has requested a Certificate of Occupancy from the Town of Davie Building Department.

WHEREAS, the property owned by Carlos Angulo is a portion of a 2.51 acre parcel currently in the platting process, said parcel's legal description being listed in Exhibit "A" of the agreement.

WHEREAS, as a condition of issuing the Certificate of Occupancy, the property owner and the Town of Davie have agreed to the following:

1. The property owner shall pose no objection to the platting of the entire 2.51 acre parcel as described in Exhibit "A" of the agreement.
2. The entire 2.51 parcel shall be platted for a maximum of two (2) dwelling units.
3. The property owner hereby agrees to the dedication of twenty (20) feet of right of way along the Property's northern boundary and twenty five (25) feet along the western boundary.
4. The dedication of right of way will render the property non-conforming as to the front setback and minimum lot size and the Town of Davie will administer, at no cost, a legal non-conforming status for the property.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor

and Town Administrator to enter into an Agreement, attached hereto as Exhibit "A", between Carlos Angulo and the Town of Davie, whereby the Town of Davie shall issue a certificate of occupancy subject to the above conditions.

SECTION 2. The Mayor is authorized to sign such agreement on behalf of the Town.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2003.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2003.

AGREEMENT OF PARCEL OWNER AND TOWN OF DAVIE

STATE OF FLORIDA

COUNTY OF BROWARD

THIS AGREEMENT made and entered into this _____ day of _____, 2003 by and among CARLOS ANGULO and TAMARA HODGES as Guardian of the MATTHEW LAMPER GUARDIANSHIP and The TOWN OF DAVIE.

WITNESSETH:

By the terms of this Agreement the parties hereto agree as follows:

WHEREAS, CARLOS ANGULO, is the owner of the following described property:

THE WEST ¼ OF THE NORTH ¼ OF TRACT 3 IN SECTION 21, TOWNSHIP 50 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, LESS THE EAST 2/3 THEREOF, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

(hereinafter referred to as the "Property")

WHEREAS, TAMARA HODGES as Guardian of the MATTHEW LAMPER GUARDIANSHIP, are the purchasers of the Property.


WHEREAS, in connection with the issuance of a Certificate of Occupancy the TOWN OF DAVIE has requested that the parties execute this Affidavit permitting the TOWN OF DAVIE certain rights as follows:

- a. CARLOS ANGULO and TAMARA HODGES as Guardian of the MATTHEW LAMPER GUARDIANSHIP will pose no objection to the platting of the entire parcel, as described in the attached Exhibit A, for a maximum of two (2) single family dwelling units provided the subject dwelling shall be one of the two (2) dwellings and the platting will be completed at no cost to Affiant(s) or their successors in title to the Property.
- b. CARLOS ANGULO and TAMARA HODGES as Guardian of the MATTHEW LAMPER GUARDIANSHIP hereby agree to the dedication of a twenty (20) feet right of way along the Property's northern boundary and twenty-five (25) feet along the western boundary.

CARLOS ANGULO and TAMARA HODGES as Guardian of the MATTHEW LAMPER GUARDIANSHIP have made these concessions in consideration of the recognition that the dedication of said right of way will

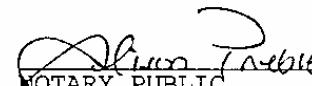
render the Property non-conforming as to the front setback and minimum lot size and the TOWN OF DAVIE will administer, at no cost a legal non-conforming status for the Property.


CARLOS ANGULO


TAMARA HODGES as Guardian of
the MATTHEW LAMPER
GUARDIANSHIP

TOWN OF DAVIE

appeared *Tamara Hodges*
SWORN TO AND SUBSCRIBED before me this *14th* day of *January*, 2003.
FORM OF IDENTIFICATION: _____


NOTARY PUBLIC

MY COMMISSION EXPIRES:

(SEAL)

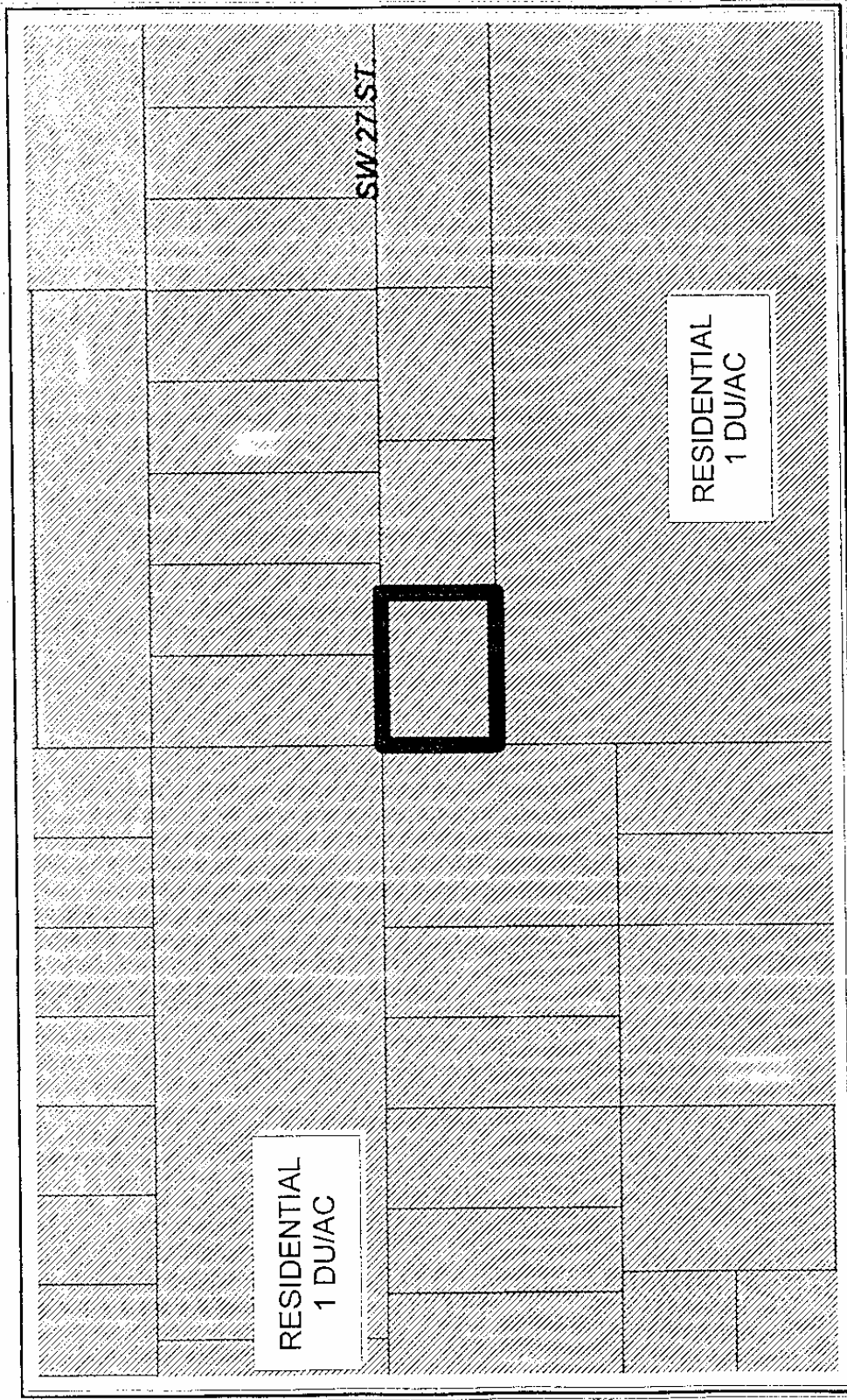
ALISON PREBLE
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # CC666793
EXPIRES 9/25/2003
BONDED THRU ASA 1-888-NOTARY1



sworn to and subscribed before me Carlos Angulo
on 14th day of January, 2003. form of
identification shown personally.

Exhibit "A"

The west $\frac{1}{2}$ of the north $\frac{1}{2}$ of Tract 3 in Section 21, Township 50 South, Range 40 East of Florida Fruit Lands Company's Subdivision No. 1, according to the plat thereof recorded in Plat Book 2, Page 17, of the public records of Dade County, Florida, said land situate, lying and being in Broward County, Florida, containing 2.51 acres.

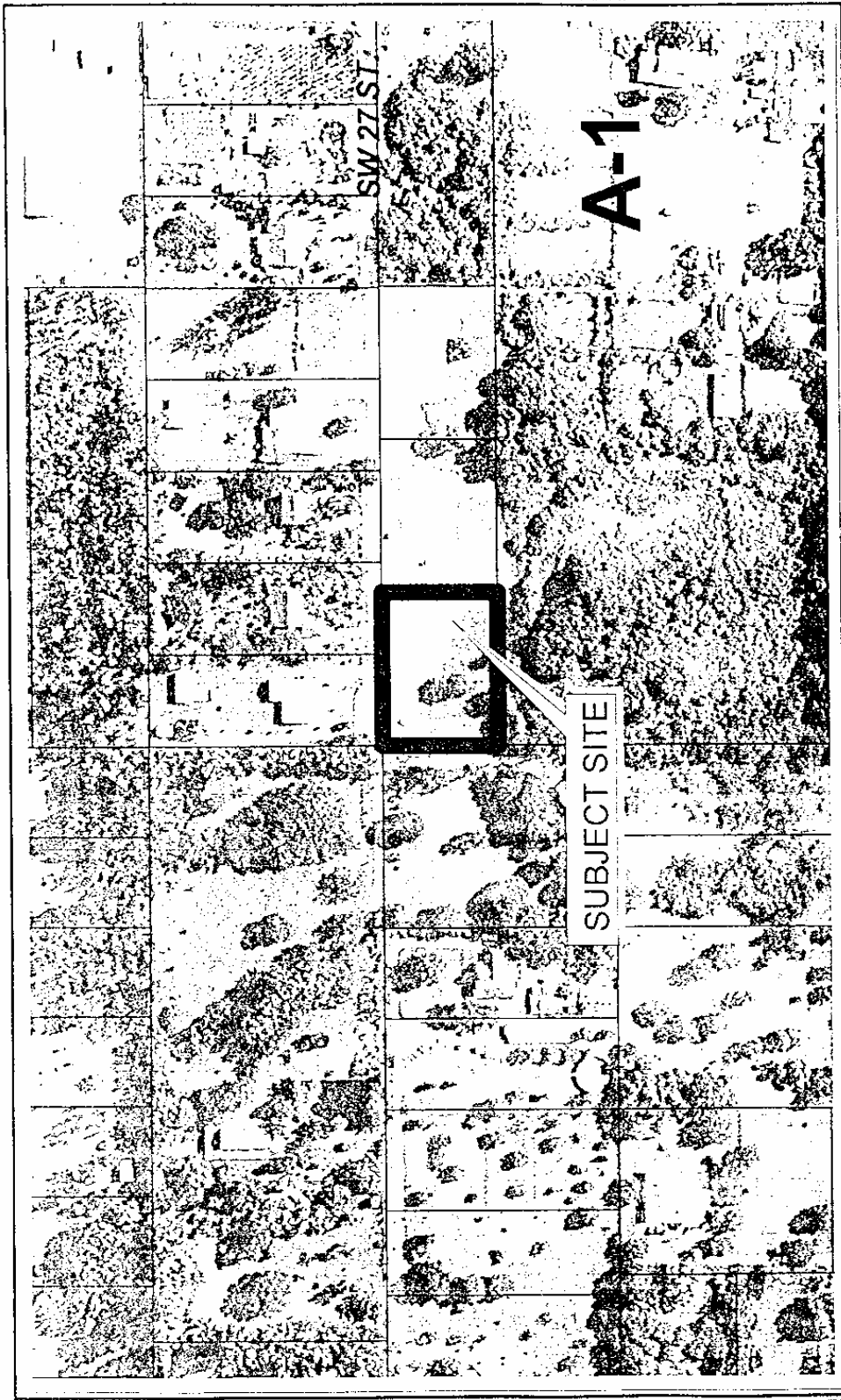


200 0 200 400 Feet

Planning & Zoning Division - GIS

Future Land Use Map

Date Flown: 12/31/01



200 0 200 400 Feet

Planning & Zoning Division - GIS

Zoning and Aerial Map

Date Flown: 12/31/01